

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVE BERNARD BOGARD,

Petitioner,

v.

Case Number 19-13692

Honorable David M. Lawson

WARDEN PATRICK WARREN,

Respondent.

**ORDER TRANSFERRING PETITION FOR WRIT OF
HABEAS CORPUS TO THE WESTERN DISTRICT OF MICHIGAN**

On December 16, 2019, petitioner Steve Bogard filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. The petitioner was convicted in the Kent County, Michigan, circuit court, and he presently is incarcerated at the Chippewa Correctional Facility in Kincheloe, Michigan. Both are located in the Western District of Michigan. 28 U.S.C. § 102(b).

A habeas petition submitted by a person in state custody may be filed in the district where the person is in custody or in the district where the person was convicted and sentenced. 28 U.S.C. § 2241(d). Section 2241(d) prescribes the proper venue for filing of a habeas petition, but its territorial limits are not jurisdictional. *Moore v. Olson*, 368 F.3d 757, 759 (7th Cir. 2004) (“Section 2241(d) is [] clearly a special venue provision.”). “The district court of a district in which is filed a case laying venue in the wrong division or district [must] dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406. The Western District of Michigan is the proper venue to hear the petitioner’s habeas corpus petition, and the Court will transfer the petition to that district because it should have been filed there in the first instance.

Accordingly, it is **ORDERED** that the Clerk of the Court is directed to **TRANSFER** this case to the United States District Court for the Western District of Michigan.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Date: February 4, 2020

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first-class U.S. mail on February 4, 2020.

s/Susan K. Pinkowski
SUSAN K. PINKOWSKI